

\_\_\_\_\_PUBLISHED IN THE WICHITA EAGLE ON DECEMBER 23,2004

**RESOLUTION NO. 04-666**

A RESOLUTION FINDING THAT THE STRUCTURE/S LOCATED ON LOTS 8 AND 10, ON HYDRAULIC AVENUE, MILFORD'S REPLAT OF LOTS 1 TO 29, INCLUSIVE, ON UNION AVENUE, AND 2 TO 30, INCLUSIVE, AND 1 TO 29, INCLUSIVE ON ORANGE AVENUE, AND 2 TO 30, ON HYDRAULIC AVENUE, SPRING GROVE SECOND ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS **1511 NORTH HYDRAULIC (GARAGE)**, IS/ARE UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE/S TO BE MADE SAFE AND SECURE OR REMOVED.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 12<sup>th</sup> day of October, 2004, file with the governing body of said City a statement in writing that a certain structure/s, hereinafter described, was/were unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 12<sup>th</sup> day of October, 2004 fix the time and place of a hearing at which the owner, his agent, any lienholders of record and any occupant of such structure/s could appear and show cause why such structure/s should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolutions were published in the official City paper on the 14th day of October, 2004 and 21<sup>st</sup> day of October, 2004.

WHEREAS, on the 14<sup>th</sup> day of December, 2004, this matter came back before the governing body for a hearing to determine whether the structure/s that is/are on the premises described herein is/are a dangerous building/s within the terms of Chapter 18.16 of the Code of the City of Wichita, Kansas, and/or K.S.A. 12-1750, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

1. The governing body, after hearing testimony submitted by the Superintendent of Central Inspection and by other interested parties, reviewing the file, and after being otherwise duly and fully informed, finds as follows:

(a) Proper notice was served upon all interested parties entitled thereto in all respects as provided for at K.S.A. 12-1750 et. Seq. and by Chapter 18.16 of the Code of the City of Wichita.

(b) The primary structure/s at issue is/are: A one-story concrete block garage about 22 x 24 feet in size. Open and fire damaged, this structure has a badly deteriorated flat roof; cracking concrete block walls; and rotted wood trim. Photographs of the structure/s and testimony of the

Superintendent of Central Inspection are incorporated by reference herein as though fully set forth herein or attached hereto.

(c) The owner (owners) of record of the property is (are):

Estate of Kenneth L. Wilson, Deceased  
1337 N. Madison  
Wichita, KS 67214

(d) There is nobody occupying the property and the lienholder(s) of record is (are):

Don Brace, County Clerk  
Sedgwick County Courthouse  
525 N. Main  
Wichita, KS 67203

Chris McElgunn, Attorney  
301 N. Main, Suite 1600  
Wichita, KS 67202

**Mortgage Holders:**

Altegra Credit Company  
150 Allegheny Center Mall  
Pittsburg PA 15212

**Agent:**

**Interested Parties:**

Carlos Boykins (equitable interest)  
1586 N. Yale  
Wichita, KS 67208

II. The structure/s on the property is/are found to be dangerous and unsafe and is/are found to constitute a public nuisance because of the following conditions:

A. Those which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

Based upon the findings set out above, the structure/s is/are declared to constitute a public nuisance.

III. The governing body, based on the findings set forth herein orders that the structure/s

is/are hereby condemned:

(a) The governing body hereby directs that the structure/s is/are to be repaired or removed and the premises made safe and secure. Any extensions of time granted for repairs are provided that any back taxes are paid, the structure/s is/are kept secured and the premises remain free of debris and maintained. If any of these conditions are not met, staff is directed to let the structure/s for bids for demolition. The owner (owners) of such structure/s is/are hereby given up to 90 days to obtain title to property; pay taxes and assessments upon closing; and if property is closed on, then 30 days to repair or demolish the garage; and if this is not done, then 10 days to start demolition and 10 days to complete.

(b) The governing body further directs that if such owner (owners) fails/fail to commence the demolition/repair of such structure/s within the time stated or fails to diligently prosecute the same until the work is completed, then the City Manager will cause the structure/s to be razed and removed and the cost of such razing and removing, less salvage value, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure/s is/are located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owners, agents, lienholders and occupants within three (3) days after the first publication of the Resolution.

ADOPTED this 14<sup>th</sup> day of December, 2004.

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Carlos Mayans, Mayor

ATTEST: (SEAL)

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Karen Sublett, City Clerk